

HOUSE BILL No. 1296

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-31.

Synopsis: Elected officials and political activity. Provides that certain employees who are elected officials may not be: (1) discouraged from engaging in political activity; (2) prohibited from engaging in political activity; or (3) denied the right to choose to refrain from engaging in political activity; when not on duty. Prohibits an employer from bringing a disciplinary action against those employees for engaging in political activity when not on duty.

Effective: July 1, 2007.

Smith V

January 16, 2007, read first time and referred to Committee on Labor and Employment.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1296

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-31 IS ADDED TO THE INDIANA CODE AS A
2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2007]:

4 **ARTICLE 31. POLITICAL ACTIVITY OF ELECTED**
5 **OFFICIALS**

6 **Chapter 1. Definitions**

7 **Sec. 1. The definitions in this chapter apply throughout this**
8 **article.**

9 **Sec. 2. "Elected official" means an individual elected to an office**
10 **of:**

- 11 (1) a city;
12 (2) a county;
13 (3) a town;
14 (4) a township;
15 (5) a school board; or
16 (6) the state.

17 **Sec. 3. (a) "Employee" means an individual employed by a**

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person or the state.

(b) The term does not include an individual employed by:

(1) the federal government; or

(2) a railroad.

Chapter 2. Employee Rights of Elected Officials

Sec. 1. (a) This section applies to employees who are elected officials.

(b) An employee who is an elected official may not be:

(1) discouraged from engaging in political activity when not on duty;

(2) prohibited from engaging in political activity when not on duty; or

(3) denied the right to choose to refrain from engaging in political activity when not on duty.

(c) An employer may not bring a disciplinary action against an employee or terminate an employee for engaging in political activity or for choosing to refrain from engaging in political activity when not on duty.

Sec. 2. This chapter does not negate a right guaranteed to an employee under:

(1) IC 4-15-10; or

(2) IC 33-23-12-3.

Sec. 3. An employee who alleges that the rights afforded to the employee under this chapter have been violated may bring an action in circuit court in the county where the employee is employed against the employer for the employer's noncompliance with section 1 of this chapter.

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